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/s/ Marcela Enrique2 Deputy Clerk ву_

MACDONALD | FERNANDEZ LLP

Reno F.R. Fernandez III (SBN 251934) Matthew J. Olson (SBN 265908)

221 Sansome Street, Third Floor San Francisco, CA 94104

Tel: (415) 362-0449 Fax: (415) 394-5544

Attorneys for Plaintiff, SIX4THREE, LLC

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28 111 SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN MATEO

SIX4THREE, LLC, a Delaware limited liability company,

Plaintiff,

vs.

FACEBOOK, INC., a Delaware corporation; MARK ZUCKERBERG, an individual: CHRISTOPHER COX, an individual; JAVIER OLIVAN, an individual; SAMUEL LESSIN, an individual; MICHAEL VERNAL, an individual; ILYA SUKHAR, an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No: CIV 533328

OBJECTION TO RELIEF REQUESTED IN DEFENDANTS' CASE MANAGEMENT CONFERENCE **STATEMENT**

Date: July 19, 2019 Time: 2:00 pm

Department: 23 (Complex Civil)

(UNLIMITED JURISDICTION)

COMES NOW Six4Three, LLC, Plaintiff herein, objecting to the relief requested in the case management conference statement filed by the Defendants on July 12, 2019 (Defendants' "CMC Statement"), and respectfully represents as follows:

- 1. Defendants' CMC statement runs on to seventeen pages – thirty-five with exhibits – and is not consistent with Rule 3.725(c) of the California Rules of Court.
- 2. Plaintiff hesitates arguably to add to the problem, but prudence dictates that it object to the extraordinary relief requested in Defendants' CMC statement. Plaintiff will be brief.

- 3. The Defendants' CMC appears to be a disguised motion for certain unusual forms of relief (as well as being a length brief on certain substantive issues). In particular, the Defendants request that the Court order that Plaintiff as well as several non-parties engage counsel to appear and undertake unlimited-scope representations.
- 4. First, Defendants' request is procedurally improper and would lead the Court to deny Plaintiff due process. Neither notice nor a motion have been filed or served. Such extraordinary relief is not available at a case management conference, and it is outside of the Court's inherent power to manage its docket.
- 5. Second, there is no basis in law for the Court to dictate the manner in which Plaintiff and non-parties engage counsel. Limited scope representation is available in California to expand the ability of litigants to participate in civil actions. Moreover, the discovery requests and motions that the Defendants desire Plaintiff to handle with assistance of counsel are not currently pending. The Court should decline the Defendants' invitation to infringe upon Plaintiff's important right to counsel of its choice.

WHEREFORE, Plaintiff objects to the relief requested in the Defendants' CMC Statement.

DATED: July 17, 2019

MACDONALD FERNANDEZ LLP

By:

RENO F.R. FERNANDEZ III Attorneys for Plaintiff, SIX4THREE, LLC

1 PROOF OF SERVICE 2 I, the undersigned, hereby certify that I am a citizen of the United States of America and employed in the City and County of San Francisco, California; that I am over the age of eighteen 3 years and not a party to the within action; that my business address is 221 Sansome Street, Third Floor, San Francisco, California 94104-2323. 4 5 On the date hereon, I served the foregoing document described as: 6 1. OBJECTION TO RELIEF REQUESTED IN DEFENDANTS' CASE MANAGEMENT **CONFERENCE STATEMENT** 7 on the following the persons and/or entities: 8 David Godkin, Esq. Donald P. Sullivan James Kruzer, Esq. Wilson Elser 9 Biarbaum & Godkin, LLP 525 Market Street, 17th Floor 10 280 Summer Street San Francisco, CA 94105 Boston, MA 02210 donald.sullivan@wilsonelser.com 11 godkin@birnbaumgodkin.com; kruzer@birnbaumgodkin.com Counsel for Gross & Klein LLP 12 Former Counsel for Plaintiff Six4Three, LLC 13 14 Jack Russo, Esq. Sonal N. Mehta, Esq. Christopher Sargent, Esq. Joshua H. Lerner, Esq. 15 Computerlaw Group LLP Laura E. Miller, Esq. 401 Florence Street Catherine Y. Kim, Esq. 16 Durie Tangri LLP Palo Alto, CA 94301 217 Leidesdorff Street jrusso@computerlaw.com 17 csargent@computerlaw.com San Francisco, CA 94111 18 ecf@computerlaw.com smehta@durietangri.com ilerner@durietangri.com 19 lmiller@durietangri.com Counsel for Theodore Kramer and Thomas ckim@durietangri.com Scaramellino 20 cc.: service-six4three@durietangri.com 21 Counsel for Defendant Facebook, Inc. 22 Steven J. Bolotin Stuart Gross, Esq. Benjamin Klein, Esq. Morrison Mahoney LLP 23 250 Summer Street Gross & Klein LLP The Embarcadero, Pier 9, Suite 100 Boston, MA 02210 24 sbolotin@morrisonmahoney.com San Francisco, CA 94111 25 sgross@grosskleinlaw.com bklein@grosskleinlaw.com Counsel for Birnbaum & Godkin, LLP 26 cc: iatkinsonyoung@grosskleinlaw.com 27 Former Counsel for Plaintiff Six4Three, LLC 28

1 2 3 4	Thomas P. Mazzucco, Esq. Joseph S. Leveroni, Esq. Murphy Pearson Bradley & Feeney 88 Kearny Street, 10 th Floor San Francisco, CA 94108 tmazzucco@MPBF.com
5	Counsel for Birnbaum & Godkin, LLP
6	As follows:
7 8	X BY ELECTRONIC SERVICE: By electronically mailing a true and correct copy through the Macdonald Fernandez LLP electronic mail system from to the email addresses set forth above.
9	Executed on July 17, 2019 , at San Francisco, California.
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11	I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court, at whose direction the service was made and that the foregoing is true and correct.
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